



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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COMMISSIONER ABERNATHY REACTS TO TRIENNIAL REVIEW DECISION BY D.C. CIRCUIT COURT OF APPEALS

Washington, DC — Today, the D.C. Circuit Court of Appeals upheld the Commission's decision to refrain from unbundling next-generation broadband facilities. This is a big victory for American consumers. The Commission's framework will help promote greater investment by removing regulatory barriers to broadband deployment. Telecommunications providers already have stepped up their deployment in the wake of the Commission's Order, and I hope that the Court's decision upholding our framework will further accelerate investment.

I am not surprised that the Court vacated the Commission's decision to delegate extremely broad decisionmaking authority to state commissions to preserve the unbundled network element platform (UNE-P). As I stated in my dissent when the Commission announced its decision last year, the majority's abdication of our responsibility to decide where impairment exists was inconsistent with the statute and prior court decisions. At this point, I sincerely hope that the Commission will work collaboratively toward developing an unbundling framework that can survive judicial scrutiny. I am open to considering a variety of approaches, but our primary goal should be to provide greater certainty to a beleaguered industry. I look forward to working with my colleagues to respond expeditiously to the court's directives.

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